

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2521

United States of America,

Appellee,

v.

Christopher Lee Morris,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: April 13, 2004

Filed: April 19, 2004

Before WOLLMAN, HANSEN, and BYE, Circuit Judges.

PER CURIAM.

Pursuant to a written plea agreement, Christopher Lee Morris pleaded guilty to conspiring to possess more than fifty grams of cocaine base with intent to distribute, in violation of 21 U.S.C. § 846 (2000). The plea agreement contained the following appeal waiver:

The defendant has been fully apprised of his right to appeal by his attorney and fully understands that he has a right to appeal his sentence under Title 18, United States Code, Section 3742. In the event the District Court accepts the plea agreement, the defendant understands

that as part of this agreement, both the defendant and the government hereby mutually agree to waive all rights to appeal whatever sentence is imposed, including any issues that relate to the establishment of the Guidelines range, reserving only the right to appeal from an upward or downward departure from the Guidelines range that is established at sentencing.

The district court¹ drew Morris's attention to the appeal waiver at his change-of-plea and sentencing hearings. Morris was sentenced to 138 months in prison and five years of supervised release.

Morris appeals, raising an issue--the calculation of his criminal history score--that relates to the establishment of his Guidelines range. Because we conclude that he knowingly and voluntarily waived his right to appeal his sentence, and that his appeal falls within the scope of the appeal waiver, we grant the government's motion to dismiss this appeal. See United States v. Andis, 333 F.3d 886, 889-90 (8th Cir.) (en banc), cert. denied, 124 S. Ct. 501 (2003).

¹ The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.